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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In re L.Q., a Person Coming Under the
Juvenile Court Law.

H046498
(Monterey County
Super. Ct. No. 18JD000001)

MONTEREY COUNTY DEPARTMENT
OF SOCIAL SERVICES,

Plaintiff and Respondent,

v.

C.Q,

Defendant,

L.Q,

Appellant.

As explained below the court dismisses this appeal as moot.

I. STATEMENT OF THE FACTS AND CASE

In February 2018, L.Q. was ordered a dependent of the Monterey County Juvenile Court because of her mother's recent arrest, mental health issues, substance abuse and domestic violence. (Welf. & Inst. Code § 300, subds. (b) & (g).)¹ L.Q. was placed in a foster home with an order for family reunification services.

In June 2018, L.Q. was returned to her mother's home with family maintenance services. In November 2018, the Monterey County Department of Social Services ("Department") filed a supplemental petition pursuant to section 387, notifying the court

¹ All further statutory references are to the Welfare and Institutions Code.

that L.Q.'s mother was hospitalized on a 72-hour hold pursuant to section 5150. The juvenile court ordered L.Q. placed in foster care and set the matter for a jurisdictional/dispositional hearing on December 11, 2018. In the report prepared in anticipation of the hearing, the Department recommended that L.Q. be returned to her mother because she had made significant progress on her case plan.

At the hearing on December 11, 2018, L.Q.'s counsel objected to the recommendation that L.Q. be returned to her mother, and requested a contested hearing. L.Q.'s counsel suggested that the hearing be set for a time after January 28, 2019. The court denied the request and set the contested hearing for the following day. The court noted that given the Department's recommendation that L.Q. be returned to her mother, and the fact that extending the matter over a month could cause trauma to L.Q., continuing the matter until January 2019 would be inappropriate.

At the contested hearing on December 12, 2018, L.Q.'s counsel requested a continuance to conduct further investigation. The court denied counsel's request and proceeded with the hearing. At the conclusion of the hearing, the court ordered L.Q. returned to her mother's custody with family maintenance services.

L.Q.'s counsel filed a notice of appeal on December 17, 2018.

On June 25, 2019, after briefing was complete but before a decision was issued by this court, the juvenile court terminated dependency jurisdiction, and L.Q. was returned to her mother's custody. On June 27, 2019, the Department notified this court of the termination of dependency jurisdiction. We ordered L.Q.'s appellate counsel to show cause why the appeal should not be dismissed as moot. On July 3, 2019, appellate counsel filed a letter brief acknowledging that jurisdiction was terminated and that L.Q. was returned to her mother's custody on June 25, 2019.

II. DISCUSSION

Appellate counsel argues that the appeal should not be dismissed as moot, because the issue presented is of broad public interest because "[t]he public is generally skeptical

about the foster care system . . .” and “has a compelling interest in maintaining full and fair hearings for dependency litigants”

As a general rule, “[a]n appellate court will dismiss an appeal when an event occurs that renders it impossible for the court to grant effective relief.” (*In re N.S.* (2016) 245 Cal.App.4th 53, 58-59 (*In re N.S.*)). On rare occasions, appellate courts will proceed to decide moot cases presenting “an issue of broad public interest that is likely to recur.” (*In re William M.* (1970) 3 Cal.3d 16, 23.) “[T]he critical factor in considering whether a dependency appeal is moot is whether the appellate court can provide any effective relief if it finds reversible error.” (*In re N.S.*, at p. 60.)

There is no effective relief that can be granted in this case. As stated above, jurisdiction was terminated and L.Q. was returned to her mother’s custody on June 25, 2019. Contrary to appellate counsel’s claim, the issue of whether the juvenile court abused its discretion in denying the continuance request in this case is not of broad public interest, and we have no indication it is likely to recur. Given the Department’s recommendation that L.Q. could be safely returned to her mother’s home, and the fact that L.Q. would likely suffer trauma as a result of a delay in the proceedings, the juvenile court acted reasonably in denying counsel’s continuance request. The court’s action in this case is unique to the circumstances, and is not a matter of public interest, nor is it likely to recur and evade review.

III. DISPOSITION

The appeal is dismissed as moot.

Greenwood, P.J.

WE CONCUR:

Premo, J.

Elia, J.

In re L.Q.; Monterey County DSS v. L.Q.
No. H046498